

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed October 6, 2004. Applicants hereby amend Claims 6, 7, 13, 14, 18, 19, 23 and 24 and cancel Claims 1, 8, 15 and 20. Applicants respectfully request reconsideration and favorable action in this case.

Allowable Subject Matter

Applicants note with appreciation the indication by the Examiner that Claims 6, 7, 13, 14, 18, 19, 23 and 24 are directed to allowable subject matter if rewritten in independent form and also to overcome the rejection(s) under 35 U.S.C. § 112, 2nd paragraph set forth in the Office Action. Applicants have rewritten Claims 6, 7, 13, 14, 19 and 24 in independent form and respectfully submit that these claims are now in condition for allowance. Reconsideration and favorable action are respectfully requested.

Section 112 Rejections

The Office Action rejects Claims 1-24 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1, line 2, it is not clear what is meant by “receiving packets encoding streaming data---”; it is not clear how the two verbs “receiving” and “encoding” are related in the context. Claims 8, 15 and 20 use similar indefiniteness.

In the newly formed independent Claims 6, 7, 13, 14, 19 and 24, Applicants have amended the claim language from “encoding” to “having encoded” and submit that the Section 112, second paragraph rejections have been overcome. Reconsideration and favorable action are respectfully requested.

Section 102/103 Rejections

The Office Action rejects Claims 1, 3-5, 8, 10-12, 15-17 and 20-22 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,587,431 issued to Almulhem et al. (“*Almulhem*”). The Office Action also rejects Claims 2 and 9 under 35 U.S.C. §103(a) as being unpatentable over *Almulhem* in view of U.S. Patent No. 6,788,686 issued to Khotimsky et al. (“*Khotimsky*”). Applicants have canceled Claims 1, 8, 15 and 20, and have changed the

dependency of Claims 3-5, 10-12, 16-17 and 20-22, which renders the rejections of these claims moot.

CONCLUSIONS

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

A check in the amount of \$400.00 is enclosed along with a separate fee transmittal sheet. Applicants believe no additional fees are due at this time. Should there be a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Thomas A. Beaton
Reg. No. 46,543
PHONE: (214) 953-6464

Date: 1/3/05

CORRESPONDENCE ADDRESS:

Customer Number: **05073**
Attorney Docket No.: 062891.0519